



Order Filed on May 6, 2019 by  
Clerk, U.S. Bankruptcy Court -  
District of New Jersey

UNITED STATES BANKRUPTCY  
COURT  
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

Mester & Schwartz, P.C.  
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1333 Race Street  
Philadelphia, PA 19107  
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**In Re:**

**DOMINICK GARRETSON and  
BARBARA GARRETSON,**

**Debtors**

Case No.: 18-23486-RG

Judge: Rosemary Gambardella

**CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE  
2015 FORD FUSION SEDAN 4D SE I4**

The relief set forth on the following pages, number two (2) through four (4) is hereby  
**ORDERED.**

**DATED: May 6, 2019**

Honorable Stacey L. Meisel  
United States Bankruptcy Judge

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Debtors: Dominick Garretson and Barbara Garretson  
Case No.: 18-23486-RG  
Caption of Order: Consent Order Modifying Stay as To Personal Property

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1. The 11 U.S.C. § 362(a) Stay as to Capital One Auto Finance, a division of Capital One, N.A., its successors and/or assigns ("Movant"), with respect to the personal property of the Debtors described as a 2015 FORD Fusion Sedan 4D SE I4, V.I.N. 3FA6P0H72FR162959, in accordance with the agreement of the Debtors and Movant, is hereby modified and shall remain in effect PROVIDED THAT Debtors comply with the following terms and conditions:

(a) To cure the remaining post-petition arrearage currently ripe, due and owing to Movant,

Debtors agree to:

(i) To cure the remaining post-petition arrearage currently ripe, due and owing to Movant,

Debtors will make payments to Movant as follow:

DATE PAYMENT DUE	ADEQUATE ASSURANCE PAYMENT	ARREARS	TOTAL
Immediately	-0-	\$908.05	\$908.05
05/08/19	\$302.81	\$100.85	\$403.66
06/08/19	\$302.81	\$100.84	\$403.65
07/08/19	\$302.81	\$100.84	\$403.65
08/08/19	\$302.81	\$100.84	\$403.65
09/08/19	\$302.81	\$100.84	\$403.65
10/08/19	\$302.81	\$100.84	\$403.65
Total	\$1,816.86	\$1,513.10	\$3,329.96

; and

(b) Debtors will resume making all future regular monthly installment payments of \$302.81

(subject to changes for taxes, insurance costs and late fees, if any) beginning on November 8,

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Debtors: Dominick Garretson and Barbara Garretson  
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Caption of Order: Consent Order Modifying Stay as To Personal Property

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2019; Debtors will timely make each payment in accordance with the terms and conditions of the loan document between Debtors and Movant.

2. Debtors will remain current on all payments ripe, due and owing under the terms of the Chapter 13 Plan. Debtors will pay Movant as an administrative expense through the Chapter 13 Plan the sum of \$481.00 for attorney's fees and costs.

3. The term "payment" as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.

4. Debtors will be in default under the Consent Order in the event that Debtors fail to comply with the payment terms and conditions set forth in Paragraph 1, *supra*. If Debtors fail to cure the default within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtors and counsel for Debtors and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. § 362(a) and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.

5. In the event Debtors convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtors shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtors fail to make payments in accordance with this paragraph, then Movant, through

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Debtors: Dominick Garretson and Barbara Garretson  
Case No.: 18-23486-RG  
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counsel, may file a Certification of Default setting forth said failure and Movant shall be granted immediate relief from the automatic stay provisions of Sections 362 of the Bankruptcy Code (11 U.S.C. § 362) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle.

6. Debtors may default and cure the default under the Consent Order one (1) time. If Debtors defaults a second (2<sup>nd</sup>) time, Movant may serve a notice of default in accordance with Paragraph 4, *supra*, but Debtors will not be granted an opportunity to cure the default.

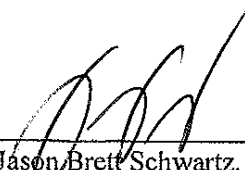
7. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.

8. Debtors waive the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

**We hereby consent to the form and entry of the foregoing Order.**

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Steven J. Abelson, Esquire  
Abelson Law Offices  
80 West Main Street  
PO Box 7005  
Freehold, NJ 07728  
Attorney for Debtors  

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Jason Brett Schwartz, Esquire  
Mester & Schwartz, P.C.  
1333 Race St.  
Philadelphia, PA 19107  
Attorney for Capital One Auto  
Finance, a division of Capital One,  
N.A.

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Dominick Garretson  
Barbara Garretson  
Debtors

Case No. 18-23486-RG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: May 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 08, 2019.  
db/jdb +Dominick Garretson, Barbara Garretson, 428 River Road, North Arlington, NJ 07031-5163

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 08, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 6, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Jason Brett Schwartz on behalf of Creditor Capital One Auto Finance  
jschwartz@mesterschwartz.com  
Kevin Gordon McDonald on behalf of Creditor MIDFIRST BANK kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Steven J. Abelson on behalf of Debtor Dominick Garretson sjaesq@atrklaw.com,  
atrkl@gmail.com;r49787@notify.bestcase.com  
Steven J. Abelson on behalf of Joint Debtor Barbara Garretson sjaesq@atrklaw.com,  
atrkl@gmail.com;r49787@notify.bestcase.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7